

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RAFAEL ARROYO,
Plaintiff,

v.

S.M. BROADWAY CORP.,
Defendant.

Case No. [20-cv-09007-DMR](#)

**ORDER ADMINISTRATIVELY
CLOSING CASE**

Plaintiff Rafael Arroyo alleges that Defendant S.M. Broadway Corp. violated the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12101 *et seq.* and California’s Unruh Civil Rights Act, Cal. Civ. Code §§ 51-53. Defendant filed a motion to dismiss, which is currently pending. [Docket No. 15]. At issue in this case is the scope of the regulations implementing the ADA, specifically with respect to reservations systems for lodging facilities. *See* 28 C.F.R. § 36.302(e)(1)(i), 28 C.F.R. § 36.302(e)(1)(ii). Those regulations are collectively referred to as the “Reservations Rule.” The Ninth Circuit has yet to interpret the Reservations Rule, but appeals are currently pending in at least two cases. *See Love v. Marriott Hotel Srvcs., Inc.*, No. 20-cv-07137-TSH, 2021 WL 810252 (N.D. Cal. Mar. 3, 2021), *appeal docketed*, No. 21-15458 (9th Cir. Mar. 15, 2021); *Garcia v. Gateway Hotel L.P.*, No. CV 20-10752 PA (GJSx), 2021 WL 936176 (C.D. Cal. Feb. 25, 2021), *appeal docketed*, No 21-55227 (9th Cir. Mar. 10, 2021). As the cases on appeal squarely concern the issues raised in Plaintiff’s complaint, on September 3, 2021, the court issued an Order to Show Cause why this action should not be stayed pending a Ninth Circuit ruling in one or more of the foregoing cases. [Docket No. 22.]

Plaintiff does not oppose a stay of the case pending the outcome of the Ninth Circuit appeals. [Docket No. 23.] Defendant did not respond to the Order to Show Cause. Therefore, the

1 court sees no reason not to pause this litigation until the Ninth Circuit issues guidance.

2 For docketing reasons, rather than impose a stay, the court administratively closes this
3 case. Either party may reopen this case by filing a notice within 14 days after the Ninth Circuit
4 issues its first mandate in *Love* and/or *Garcia*, or any other currently pending Ninth Circuit appeal
5 interpreting the Reservations Rule.

6
7 **IT IS SO ORDERED.**

8 Dated: September 17, 2021



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